

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Implementation of Section 224 of the Act)	WC Docket No. 07-245
)	
A National Broadband Plan for Our Future)	GN Docket No. 09-51

ORDER

Adopted: September 2, 2010

Released: September 2, 2010

By the Deputy Chief, Wireline Competition Bureau:

1. On August 25, 2010, Edison Electric Institute et al. (EEI) filed a request for an extension of time to file reply comments in response to the Further Notice of Proposed Rulemaking in this proceeding that the Commission released on May 20, 2010.¹ The Further Notice of Proposed Rulemaking addresses pole attachment rates, and the terms and conditions of access to pole attachments.² The current deadline for filing reply comments is September 13, 2010.³ EEI requests that the reply comment date be extended to October 13, 2010.⁴ EEI states that an extension is warranted because this proceeding is of historic size and scope, because the comments filed raise new issues and include new proposals, and because two holidays occur before the current deadline.⁵

2. Although the Commission does not routinely grant requests for extension of time, we will extend the deadline to file reply comments in this proceeding by 21 days.⁶ As EEI asserts, the rates, terms, and conditions of pole attachments present a wide variety of complex issues, and the comments filed include a number of new proposals. However, the underlying policy issues have been before the Commission and interested parties for a considerable time. Specifically, before the instant Further Notice of Proposed Rulemaking, the Commission released a notice of proposed rulemaking concerning

¹ Edison Electric Institute et al. Motion for Extension of Time to File Reply Comments, WC Docket No. 07-245, GN Docket No. 09-51 (filed Aug. 25, 2010) (Motion).

² *Implementation of Section 224 of the Act; a National Broadband Plan for our Future*, WC Docket No. 07-245, GN Docket No. 09-51, Order and Further Notice of Proposed Rulemaking, FCC 10-84 (rel. May 20, 2010).

³ *Pleading Cycle Established for Proposed Rules Implementing Section 224 of the Act*, WC Docket No. 07-245, GN Docket No. 09-51, Public Notice, DA-10-1323 (rel. July 19, 2010).

⁴ Motion at 1.

⁵ *Id.* at 1-2.

⁶ See 47 C.F.R. § 1.46(a).

pole attachments on November 20, 2007.⁷ Furthermore, the 2007 Pole Attachment NPRM incorporated petitions for rulemaking that had already generated extensive comment on the issues in the Further Notice of Proposed Rulemaking.⁸ We therefore find that parties have already had substantial time to consider their interests and refine their positions, and that seven weeks following the comment date is ample opportunity to convey their legal and policy arguments to the Commission and its staff, including responding to opposing arguments. Accordingly, reply comments in this proceeding will be due on **October 4, 2010**.

3. ACCORDINGLY, IT IS ORDERED, pursuant to the authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291 that EEI's Motion for Extension of Time to File Comments in the above-captioned proceeding IS GRANTED IN PART.

FEDERAL COMMUNICATIONS COMMISSION

Catherine W. Seidel
Deputy Chief, Wireline Competition Bureau

⁷ *Implementation of Section 224 of the Act; Amendment of the Commission's Rules and Policies Governing Pole Attachments*, WC Docket No. 07-245, Notice of Proposed Rulemaking, 22 FCC Rcd 20195 (2007) (Pole Attachment NPRM).

⁸ See United States Telecom Association Petition for Rulemaking, RM-11293 (filed Oct. 11, 2005) (concerning pole attachment rates); Fibertech Networks, LLC, Petition for Rulemaking, RM-11303 (filed Dec. 7, 2005) (concerning access to poles).